

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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WILLIAM DIGIANNI,

Plaintiff,

- against -

PEARSON,

Defendant.

**ORDER**  
**09-CV-5275 (RJD)(LB)**

FILED  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.  
★ DEC 31 2009  
P.M. (9)  
TIME A.M. (9)

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**BLOOM, United States Magistrate Judge:**

The Honorable Raymond J. Dearie assigned this case to me for all pretrial purposes. Enclosed is a copy of the "Individual Practices of Magistrate Judge Lois Bloom." Both plaintiff and defendant are required to follow these rules. Plaintiff is to provide a copy of this Order and the enclosed rules to defendant along with the summons and complaint.

The Court's records reflect that the complaint in this action was filed on November 30, 2009. Rule 4(m) of the Federal Rules of Civil Procedure provides:

If a defendant is not served within 120 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Accordingly, if service is not made upon the defendant by March 30, 2010 or plaintiff fails to show good cause why such service has not been effected, it will be recommended that the Court dismiss this action without prejudice.

Plaintiff is required to advise the Clerk of Court of any change of address. Failure to keep the Court informed of plaintiff's current address means the Court will not know where to contact plaintiff and may result in dismissal of the case. For information regarding court procedures, plaintiff may contact the Pro Se Office at the United States Courthouse by calling (718) 613-2665.

SO ORDERED.

Dated: December 30, 2009  
Brooklyn, New York

LOIS BLOOM  
United States Magistrate Judge

*John*

## **INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE LOIS BLOOM**

United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201  
718-613-2170

Unless otherwise ordered, matters before Judge Bloom shall be conducted in accordance with the following practices:

### **1. Communications with Chambers**

**A. Letters.** Except as provided below, communications with chambers shall be by letter, with copies simultaneously delivered to all parties. The Court will not consider any ex parte correspondence, in other words, the Court will not consider any correspondence which has not been served upon the opposing party.

- Copies of correspondence between parties should not be sent to the Court.
- All letters from counsel should be filed electronically. (Courtesy copies should not be submitted.)

**B. Telephone Calls.** Telephone calls to chambers are permitted only in emergency situations requiring immediate attention, such as when a ruling is needed during the course of a deposition where all parties are on the line.

**C. Faxes.** Faxes to chambers are not permitted without prior authorization.

### **2. Electronic Case Filing (ECF)**

Pro se parties are automatically exempt from mandatory electronic filing. However, parties represented by counsel in pro se cases must file all submissions electronically and mail the submission to the pro se litigant.

- Courtesy copies should not be submitted to chambers except courtesy copies of motion papers where submissions exceed 25 pages in length.

### **3. Requests for Adjournments or Extensions of Time**

All requests for adjournments or extensions of time must be received in writing at least 48 hours before the scheduled conference or relevant deadline and must state: the original date of the conference or deadline; the reason for the request; the number of previous requests for adjournment or extension; whether previous requests were granted or denied; and whether the opposing party consents to the request (and, if not, the reasons given by the opposing party for refusing to consent). If the requested adjournment or extension affects any other scheduled dates, the party must state the proposed revised schedule. For parties represented by counsel, the letter request should be filed under "motion" on the ECF list of civil events.

#### **4. Motions**

**A. Discovery motions.** Discovery motions must comply with Local Civil Rules 6.4 and 37.3.

**B. Dispositive motions.** For dispositive motions, refer to the assigned district judge's individual rules.

#### **5. Interpreter Services**

Interpreter services are generally not provided by the Court in civil cases. If a party speaks a language other than English, the party must make his/her own arrangement to conduct his/her case in English. A party may bring an English-speaking friend or family member to court conferences. However, persons acting as interpreters must translate exactly what is said; they may not speak for or advocate for the party.

#### **6. Change of Address**

Parties shall keep the Court apprised of their current address and telephone number. If a party changes address, he/she shall immediately notify the Court and the opposing party in writing. If a party fails to keep the Court apprised of his/her current address, the case may be dismissed.